

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**OCTOBER 22, 2020**

**Case Number 189-2020**

**A request by Crockett Engineering (agent), on behalf of Alpha Phi House Corp Board-University of Missouri (owner), for a one-lot consolidation replat to be known as the "Alpha Phi Subdivision Replat" and a design adjustment to waive additional right-of-way dedication requirements along the parcel's Providence Road frontage. The subject part are platted as Lot 1, Alpha Phi Subdivision, and Lot 22, La Grange Place, addressed as 906 and 912 South Providence Road, respectively.**

MS. LOE: May we have a staff report, please?

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends:

1. Denial of the design adjustment to Section 29-5.1(c)(4) to waive the required additional right-of-way dedication on Providence Road;
2. Denial of the proposed final plat given it is not in compliance with the provisions of the UDC.

Alternatively, if the Commission supports the requested design adjustment, the plat could be recommended for approval.

MS. LOE: Thank you, Ms. Bacon. Before we move on to Commissioner questions of staff, I'd like to ask any Commissioner who has had any ex parte related to this case to please share that with us now so all Commissioners have the benefit of the information on behalf of this case in front of us. Seeing none. Are there any questions for staff? Seeing none. We will open the floor to public comments.

**PUBLIC HEARING OPENED**

MS. LOE: If anyone has any public comments they would like to share in this case, please give your name and address for the record. You will be limited to three minutes. The red light will flash when your time is up. If you're speaking for a group, we will permit you to have six minutes.

MS. LAMAR: Good evening. My name is Phebe Lamar; I'm a -- I have offices at 111 South Ninth Street. I'm here this evening on behalf of Alpha Phi House Corporation Board. As you know, they're requesting approval of a replat of the property on Providence Road between Kentucky and Burnam. The replat combines what are currently two separate lots into a single lot. I'd also like to point out that the -- the second lot that's being requested to combine is actually designed for parking in order to address parking issues, and that was the sole reason for purchasing it, which occurred after the 2017 replat. But by doing what we're -- what we're proposing to do and denying the design adjustment, we're in fact penalizing the Alpha Phi House for trying to comply with parking issues -- and address parking issues that may, at some point come up. At this stage, many of the fraternities and sororities are in the process of

updating and/or replacing their houses in order to comply with City ordinances. Alpha Phi is similarly attempting to construct a new house in order to maintain their active presence on campus and in the community. The long and short of the request is that there is no logistically feasible way to do this project and make the upgrades and updates that will allow for the sorority to continue to remain viable without the design adjustment that's required. It is important to note that the contemplated plan will not include variances in the amount of parking to be provided, nor will it be -- there will be anything requested for the height of the building or other visual changes to the building. The analysis required for the City's -- by the City's ordinances in determining whether to grant this design adjustment requires us to look at certain factors. The design adjustment is completely consistent with the City's adopted comprehensive plan. The use is precisely what is contemplated in this location, and which can't be accomplished without the design adjustment. MoDOT actually acknowledges in the email that you're currently seeing on your screen that there are no plans to expand Providence in this location and that no additional right-of-way is needed. Moreover, as you can see on the diagram that is now on their screen, there would be no way to use any additional right-of-way in this location given the amount of right-of-way that's to the north and the south of the lot. And as you can see, the right-of-way on either end of this -- of this property is exactly what we're proposing to do with the design adjustment that's requested. There is nothing more dangerous or difficult for automobiles, bicycles, or pedestrians by granting of this design variance, and, in fact, the sidewalks that are in this location were just recently expanded and have been -- and have been completed by the State. The properties on either side of this one have exactly the same amount of right-of-way. The side -- and the lot would not make anything -- refusing to grant the design adjustment would not make anything safer than what we currently have. The design adjustment is necessary precisely because my client is trying to do what we say we want to encourage in Columbia, which is to provide infill and keep students on campus. The site is narrow, as are most of the properties in this area. There is no way -- nowhere to expand or reconfigure the lot because it is surrounded on all sides with other similar properties. The narrowness of the lot is unique to the downtown area and not a result of anything my client caused. And the request for the design adjustment will not result in the elimination of any improvements required or other similarly situated developments. Rather, we're requesting a design adjustment similar to what other similarly situated developments have been granted. For example, the property at the corner of Burnam and Providence requested this same adjustment, and the request was granted. Similarly, a request was made to construct a Raising Cane's north of this site, and it was granted in order to allow for construction on the site. And when the Columbia Housing Authority made a similar request, that request was also granted. I would also point out that I believe all three of these requests were made after the UDC was adopted. Finally, if this request were going to negatively impact public health and safety, MoDOT would not -- would surely have objected to the proposal and, instead, has specifically stated that additional right-of-way is unnecessary. I'm happy to answer any questions you may have. I also have with me this evening to speak Lisa Uphoff, who is here on behalf of Alpha Phi. In addition, I have Michael Chiodini, who is the architect on this project and, in fact, designed the very room

that we're sitting in, and also Tim Crockett, who is with Crockett Engineering. I'm happy to answer questions.

MS. LOE: Thank you, Ms. Lamar. Are there any questions for this speaker? I see none. Thank you.

MS. LAMAR: Thank you.

MS. UPHOFF: I'm happy to leave it on if you can hear me.

MS. LOE: I can hear you.

MS. UPHOFF: Okay. Great. My name is Lisa Uphoff; I'm from St. Louis, Missouri. I am a -- sorry to have my back to all of you, but I'm going to face forward, and I'm a house corporation board member for Alpha Phi.

MS. LOE: Lisa, can we have your address for the record?

MS. UPHOFF: Yeah. 2459 Indian Tree Circle, Wildwood, Missouri 63038.

MS. LOE: Thank you.

MS. UPHOFF: My name is Lisa Uphoff. I'm a proud MU alum, a proud Alpha Phi alum, and a current house corporation board member. Our house corporation board owns and manages the Alpha Phi Chapter House. We are charged with maintaining the property, as well as hiring and managing all staff. Alpha Phi has been on the University of Missouri campus for 110 years. Ninety-seven of those years have been at 906 South Providence, the big white house on Providence. It is with much thought and consideration that we have gotten to this place of rebuilding our facility. We have spent the last five years doing feasibility studies for additions and remodels to be absolutely certain we made the right decision. We've watched almost every other sorority do the same. Currently, our Chapter includes 251 collegiate members. We sleep 75 members, 25 of which are in the annex behind our building. Our facility is not adequate to accommodate chapter meetings. We have spent thousands of dollars renting classrooms and hotel meetings rooms. Covid has made the small spaces especially problematic. Our facility has HVAC and plumbing problems symptomatic of antiquated systems. We have constant water mitigation issues in the basement presenting mold issues. And we consider the annex to be a safety issue and need to get all the girls under one roof. All of these issues paired with our feasibility studies have gotten us to this place. In the new Chapter house, built in the likeness of the current house, we'll still be the big white house on Providence. It will provide lodging for approximately 15 percent more members, all under one roof. It will have enough room for the entire Chapter to meet and study. It will have current mechanical electrical plumbing systems, making us more energy efficient. It will have modern Wi-Fi. Needless to say, we're very excited now that we've gotten this far. We stand before you today because we have encountered a stumbling block to our progress. Having watched our neighbor to the north, Delta Gamma, tear down and build new, I was personally witness to their variance requests and struggles with certain issues, namely, parking. The City's one space for every two occupants regulation is tough to achieve in an urban environment like Greek Town. Knowing that, we, Alpha Phi House Corp Board, purchased the property to our immediate south for nearly three-quarters of a million

dollars so we could meet the City's parking requirements. The irony is that in trying to do what is right, we have gotten ourselves into a platting situation that puts our entire project in jeopardy. Simply trying to plat our two properties into one has subjected Alpha Phi to an 18-foot right-of-way easement that our neighbor, Delta Gamma, was not required to provide simply because they did not have to replat. The right-of-way renders our property building area so shallow that our proposed design would not work. The right-of-way is also not practical. Because Delta Gamma was granted a variance to build their front porch over the front building setback, they are currently built into that 18-foot right-of-way. Taking the right-of-way from DG would require taking their house. Taking the right-of-way would also require rebuilding the brand-new intersection at Burnam. Taking an Alpha Phi right-of-way and not taking Delta Gamma's right-of-way would result in Providence widening at Alpha Phi and immediately narrowing at Delta Gamma Burnam. Respectfully, Alpha Phi House Corp Board requests that the 18-foot right-of-way be waived. Out of fairness that Delta Gamma was not required to provide the same, Alpha Phi would like to continue our legacy at MU for another 100 years as the big white house on Providence. Will you help us? Thank you. Do you have any questions?

MS. LOE: Are there any questions for this speaker? I see none. Thank you.

MS. UPHOFF: Yes.

MS. LOE: Are there any additional speakers on this case. Seeing none. We'll close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: I would -- I thank the public for both of those presentations. Particularly, the last one, was very -- I found very informative. I didn't know all those specifics. The three properties that were mentioned on Providence, if we recall that didn't have to surrender the right-of-way, this Commission may recall specifically with the Housing Authority and with Raising Cane, this body rejected their requests, and Council overturned us, which is their prerogative. I just want to put that out there.

MS. LOE: Any additional comments? Mr. Stanton?

MR. STANTON: I was going to reflect what Mr. MacMann said. This -- these decisions come back to roost. We didn't support it, but -- but the argument is there. Yeah.

MS. LOE: Ready to make a motion?

MR. STANTON: Well, I can. Well, I'm --

MS. RUSSELL: Let him.

MS. LOE: Ms. Russell, is that a --

MS. RUSSELL: Okay. That means I have to read it.

MS. LOE: Oh, see doesn't have her glasses.

MS. RUSSELL: I can do it. In the case of 189-2020, I move to approve the design adjustment to Section 29-5.1(c)(4) to waive the required additional right-of-way and approve the proposed final plat.

MS. CARROLL: Second.

MR. MACMANN: Second.

MR. ZENNER: If I can have two separate votes, please.

MS. RUSSELL: Okay. Then just -- I move to approve the design adjustment.

MS. LOE: All right. So second on --

MS. RUSHING: I'll second.

MS. LOE: Second, Ms. Rushing. Second on the design adjustment. We have a motion on the floor. Any discussion on that motion? Mr. MacMann?

MR. MACMANN: Although I led the charge against the design adjustments further north of there, both of those situations, in general, had other options and other places to go. These folks, I've been on that lot, and walk by the lot when I go to the football game. I use the new sidewalk. They've got nowhere to go. So I just want to say I will be breaking with my precedent, and I will be voting for their design adjustment because there's just nothing else they can do.

MS. LOE: Any additional -- Ms. Geuea Jones?

MS. GEUEA JONES: I just want to express I'm sympathetic to that, except that, as we heard in the staff report, this is also what you would use if you wanted a broader sidewalk through there. And I -- I hear what they're saying about everything else, but once that right-of-way is gone, we cannot get it back. It is gone for the foreseeable future. And so I just -- I have a very hard time giving that right-of-way away ever, especially when it sounds like they could build on the same footprint, but they want to expand. And so I just -- I don't see a good reason even here to give away the only chance we've got to have a good right-of-way there.

MS. LOE: Ms. Carroll, did you have a comment?

MS. CARROLL: Likewise, I -- I understand the situation, and yet if I didn't approve of the Housing Authority taking the right-of-way, I don't feel that I can in this context either.

MS. LOE: Any additional comments? If not, Ms. Carroll, may we have a roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Toohey, Mr. MacMann. Voting No: Mr. Stanton, Ms. Geuea Jones, Ms. Russell, Ms. Burns, Ms. Carroll, Ms. Loe.**

MR. MACMANN: Point of order. Which motion are we voting on?

MS. RUSSELL: The right-of-way.

MS. LOE: The design adjustment.

MR. MACMANN: The design adjustment.

MR. ZENNER: The design adjustment only.

MS. CARROLL: We have six votes to approve. Or sorry. Six no votes, and three yes. The motion is denied.

MS. LOE: The recommendation for denial will be forwarded. Since this is denied --

MR. ZENNER: You will need to take action. The reason I asked you to separate the vote is specifically due to the way that items like this are presented to City Council. With any platting action that

has a design adjustment associated with it, there is a separate design adjustment staff report, and then there is a corresponding platting action report. So as the staff report and recommendation state, should the design adjustment have failed, the plat would have to be recommended for disapproval because it is not in compliance with the UDC. So with that piece of information, the motion that Ms. Russell made in regards to approving the plat is still on the floor, and that would be a motion now that would need to be voted upon. It is in the affirmative, therefore, a vote of no is to deny the plat.

MS. RUSSELL: Do you need me to say a separate motion for that?

MR. ZENNER: No. I think the -- unless our court reporter would like it stated separately, but there was a motion --

MS. RUSSELL: I can do -- I can do it separately.

MR. ZENNER: Go ahead if you would like that.

MS. RUSSELL: On Case 189-2020, I move to deny the proposed final plat given that it's not in compliance with the provisions of the UDC.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton.

MR. ZENNER: So a vote of yes is to deny the plat. A vote of no would be to approve it.

MS. LOE: Mr. MacMann?

MR. MACMANN: Commissioner Russell, would you entertain an amendment?

MS. RUSSELL: Yeah. Let me change that. Move to approve all of that.

MR. MACMANN: Second.

MS. LOE: Seconded by Mr. --

MS. RUSSELL: The motion is much easier.

MS. LOE: The revision seconded by Mr. MacMann.

MR. MACMANN: That's -- just to be clarified. In the matter of Case 189-2020, the replat as proposed by Alpha Phi, you move to approve, and we just run the same?

MS. RUSSELL: And I don't have my glasses, so I'm really working right here.

MR. MACMANN: Okay. All right. I think -- I think I just covered you there. I think I got that.

MS. LOE: All right. Motion on the floor. Any further discussion on that motion? If not, Ms. Carroll, may we have a roll call, please.

**Roll Call Vote (Voting "yes" is to recommend denial of the plat) Voting Yes: Mr. Toohey. Voting No: Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann.**

MS. CARROLL: There are eight votes to deny and one to approve. The motion is denied.

MS. LOE: Recommendation for denial will be forwarded to City Council.

MR. ZENNER: And given that the item was denied in both instances by a majority, 75 percent majority of the Commission, this item will appear under Old Business on the City Council agenda affording the applicant an opportunity to address Council during second read.